



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
FAMILY INDEPENDENCE AGENCY
LANSING



NANNETTE M. BOWLER
DIRECTOR

April 11, 2003

Mr. and Mrs. Greg LeCronier
5699 S. Carter Rd.
Auburn, MI 48611

RE: Davante Gunner

Dear Mr. And Mrs. LeCronier:

I am writing in response to your Adoption Support Subsidy/Nonrecurring Adoption Expenses Eligibility Certification Request received by our office on November 21, 2002. We have researched the file for Davante Gunner and the following facts:

- Davante's birthdate is 7/2/98
- Davante was voluntarily surrendered for private adoption to American Adoptions of Louisiana located in New Orleans, Louisiana, by his birthmother on July 24, 2001.
- Davante's birthfather is unknown.
- Family Matchmakers, a Michigan adoption agency, assisted you in identifying a child to adopt and facilitated the adoption placement through Noel Vargus, Attorney at Law, New Orleans, Louisiana.
- Michigan received an interstate compact placement request from the State of Louisiana on August 16, 2001. The request was for consideration of Adoptive Placement.
- The State of Michigan Interstate Compact office granted approval for Adoptive Placement on August 16, 2001.
- Davante has never been in foster care through the State of Michigan.
- Davante's entrance into the State of Michigan was considered by the States of Louisiana and Michigan to be an adoptive placement.
- At no time since his birthmother surrendered her parental rights on 7/24/01, has the State of Michigan or its contract agencies been legally responsible for Davante's care and supervision.

Michigan law (MCL 400.115f-m, r, and s) does not allow for Adoption Support Subsidy to be approved after the placement of the child for adoption, specifically:

400.115g (1) The department may pay a support subsidy to an adoptive parent of an adoptee who is placed in the home of the adoptive parent under the adoption code or under the adoption laws of another state or a tribal government, if all of the following requirements are met:

- a) The department has certified that the adoptee is eligible for a support subsidy, based on all of the following:
 - i) The adoptee is a child with special needs.
 - ii) An adoptive parent requests a support subsidy.
 - iii) The adoptee is in foster care at the time the department certifies the support subsidy.
- b) Certification is made before the adoptee's eighteenth birthday.
- c) Certification is made before the petition for adoption is filed.
- d) The adoptive parent requests the support subsidy not later than the date of confirmation of the adoption.

400.115f (h) "Child with special needs" means an individual under the age of 18 years for whom *the state* has determined all of the following:

- i) The child cannot or should not be returned to the home of the child's parents.
- ii) A specific factor or condition, or a combination of factors and conditions, exists with respect to the child so that it is reasonable to conclude that the child cannot be placed with an adoptive parent without providing adoption assistance under this act. The factors or conditions to be considered may include ethnic or family background, age, membership in a minority or sibling group, medical condition, physical mental or emotional disability, or length of time the child has been waiting for an adoptive home.
- iii) A reasonable but unsuccessful effort was made to place the adoptee with an appropriate adoptive parent without providing adoption assistance under this act or a prospective placement is the only placement in the best interest of the child.

In Davante's case, neither Louisiana nor Michigan has determined that he is a child with special needs. Furthermore, Davante was not in foster care at the time the certification request was made. He was, and continues to be, in adoptive placement through an Interstate Compact agreement. Therefore, Michigan law does not allow our agency to provide Adoption Support Subsidy for Davante at this time. Your request for provision of Adoption Support Subsidy is denied.

LeCronier
April 11, 2003
Page 3

If you believe that the decision to deny Adoption Support Subsidy is not in compliance with the State's policy or the law, you have a right to request an administrative hearing. Your request for appeal must be made in writing, with your original signature, and received in our office within 90 days of the date of this letter.

Sincerely,



Martha Ballou
Adoption Subsidy Program Specialist

cc: Kate Young, Adoption Subsidy Manager
William Johnson, Adoption Division Manager